

2682

NO. 2622

IN THE

United States

Circuit Court of Appeals

FOR THE NINTH CIRCUIT

H. C. AMES,
Plaintiff in Error,

vs.

JERRY SULLIVAN,
Defendant in Error.

}

ERROR TO THE DISTRICT COURT FOR THE
DISTRICT OF ALASKA, SECOND
DIVISION

Reply Brief of Plaintiff in Error

GEORGE B. GRIGSBY,
Nome, Alaska,

THOMAS R. LYONS and IRA D. ORTON,
918-922 Alaska Building, Seattle, Washington,
Attorneys for Plaintiff in Error.

NO. 2622

IN THE
United States
Circuit Court of Appeals
FOR THE NINTH CIRCUIT

H. C. AMES,	} <i>Plaintiff in Error,</i>
<i>vs.</i>	
JERRY SULLIVAN,	
	<i>Defendant in Error.</i>

ERROR TO THE DISTRICT COURT FOR THE
DISTRICT OF ALASKA, SECOND
DIVISION

Reply Brief of Plaintiff in Error

GEORGE B. GRIGSBY,
Nome, Alaska,
THOMAS R. LYONS and IRA D. ORTON,
918-922 Alaska Building, Seattle, Washington,
Attorneys for Plaintiff in Error.

IN THE
United States
Circuit Court of Appeals
FOR THE NINTH CIRCUIT

H. C. AMES,	<i>Plaintiff in Error,</i>	}
	<i>vs.</i>	
JERRY SULLIVAN,	<i>Defendant in Error.</i>	

ERROR TO THE DISTRICT COURT FOR THE
DISTRICT OF ALASKA, SECOND
DIVISION

Reply Brief of Plaintiff in Error

In accordance with the permission granted at the oral argument to file a Brief upon the Act of the Territorial Legislature of Alaska relied upon by defendant in error, the plaintiff in error contends:

First:—The Act relied upon was approved April 29th, 1915, and as this cause was tried in the year 1914 (Tr. p. 22), it can have no application whatever;

Second:—The Territorial Legislature has no power to repeal or amend the Act of Congress passed March 2nd, 1907, appearing at page 153 of the Compiled Laws of Alaska (34 Stat. L. 1243) as was attempted by the Act of April 29th, 1915, appearing at page 144 of Alaska Session Laws of 1915. This latter Act is set forth at page 10 of the Brief of defendant in error.

The Act creating the Legislature of the Territory of Alaska granted it no special or general authority to legislate with reference to mining locations.

Compiled Laws of Alaska, pp. 268-273;
37 Stat. L., 512.

Such being the case, the only authority vested in the Legislature of Alaska, with reference to mining locations, is to pass laws *supplemental to and not in conflict with* the laws of the United States.

The subject is so thoroughly treated and explained in Lindley on Mines, 3rd Ed., Vol. 1, Sections 249 and 250, pp. 542, *et seq.*, that further citation of authorities is deemed unnecessary.

Respectfully submitted,

THOMAS R. LYONS

IRA D. ORTON

GEORGE B. GRIGSBY

Attorneys for Plaintiff in Error.